

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

**BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF	:	NOTICE OF AGENCY ACTION
AREND THOMAS VISHER	:	FOR UNLAWFUL CONDUCT
	:	BY ENGAGING IN A
	:	CONSTRUCTION TRADE WITHOUT
	:	A LICENSE
	:	
	:	Case No. DOPL-2016-99

THE CONSTRUCTION SERVICES COMMISSION TO **AREND THOMAS VISHER**
("Respondent"):

AREND THOMAS VISHER
1434 WEST 10TH AVENUE
NORTHGLENN, COLORADO 80234

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice of agency action. The jurisdiction and authority for this action is §58-1-401(2).

This action is filed based upon a review of the Division's records and investigation ("file") that indicate Respondent has engaged in unlawful conduct by: engaging in a construction trade acting as a contractor without a license, in violation of Utah Code Annotated Subsection 58-55-501(1), such that Respondent shall be subject to possible Administrative Fines and Sanctions.

ALLEGATIONS AND AUTHORITY

1. In particular the evidence in the Division's file indicates that Respondent has engaged in the following conduct:

2. On or about October 5, 2009, an entity belonging to Respondent, Get The Best Inc., became licensed as a contractor under License No. 7446876-5501. License No. 7446876-5501 subsequently expired on or about November 30, 2011 and has not been renewed.

3. On or about December 18, 2012, an entity belonging to Respondent, Mountain Land Inc., became licensed as a contractor under License No. 8492921-5501. License No. 8492921-5501 was subsequently revoked on or about December 31, 2014 and has not been reinstated since.

4. On a about August 14, 2014 Respondent contracted to perform a construction job at 2002 East Ashley Road, Sandy, Utah. Respondent continued working on this job during 2015 after the revocation of licensure noted in paragraph 3.

5. On a about June 2015 Respondent contracted to perform and did perform work on a construction job at 1197 East Cedar Ridge Road, Sandy, Utah.

6. Respondent was previously been issued three citations as follows:

1. #57007—October 2011, citation #23750, \$500 fine paid.
2. #56937—October 2011, citation #23755, cease and desist only.
3. #60457—June 2012, citation #25110

7. Based on the foregoing information, Respondent has engaged in unlawful conduct by practicing without a license, in violation of Utah Code Annotated Subsection 58-55-501(1).

8. Pursuant to Utah Code Annotated Subsection 58-55-503(4), Respondent should be assessed a fine in the amount of \$2,000.

9. Pursuant to Utah Code Annotated Subsection 58-1-401(4)(b), the Division may issue a cease and desist order to . any person who engages in or represents himself to be engaged in an occupation regulated under this title. Because Respondent has engaged in the construction trade or represented itself to be engaged in the construction trade without a license, the Division is entitled to order Respondent to cease and desist from representing itself as a contractor and from engaging in work as a contractor. Accordingly, the Division requests such an order against Respondent.

RELIEF SOUGHT

An Administrative Fine in the amount of \$2,000.00 for unlawful conduct and the issuance of a Cease and Desist Order from representing itself as a contractor, engaging in work as a contractor and practicing in the construction trades without a license.

NOTICE OF PROCEDURES

This action is designated as an informal adjudicative proceeding ("proceeding") in §R156-46b-202 pursuant in accordance with §63G-4-202(1).

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated below. Until an Entry of appearance is filed, the presiding officer, or others within or representing the Division, will communicate directly with you.

Dan S. Jones, Bureau Manager, is designated as the coordinator for the Construction Services Commission ("Commission"). The Commission is the presiding officer over this informal proceeding. If you or your attorney has any questions regarding the procedures related to this matter, Mr. Jones can be contacted at the above address, or via telephone at (801) 530-6720 or by e-mail at dansjones@utah.gov.

The proceeding will be conducted pursuant to §63G-4-203. There is no right to a hearing in this proceeding. The decision in this matter will be based upon a review of the Division's file.

Within ten (10) days of the mailing date of this notice, you may obtain by written request a copy of the relevant and nonprivileged contents of the Division's file related to this proceeding. Your request, if any, should be submitted to the address stated below.

Within thirty (30) days of the mailing date of this notice, you are required to file a written response herein. A response may be helpful to clarify, refine, or narrow the facts and violations related to the basis for this action as contained in the Division's file.

If you fail to file a response, it will constitute a basis for entry of default, and an order will be entered by the Presiding Officer without your participation. It will be based upon a review of the Division's file and, as deemed necessary, a review and recommendation by the Commission.

If you file a response, it will be included in the Division's file and will be considered by the presiding officer. An original of your response, if any, should be mailed or hand delivered to:

Division of Occupational and Professional Licensing
Attn: Informal Disciplinary Files

(By Mail):

PO Box 146741

Salt Lake City UT 84114-6741

(By Hand Delivery):

160 East 300 South, 4th floor
Salt Lake City, Utah

If you file a Response, you will be notified if this action is placed on the Commission's agenda. Commission meetings are normally open to the public and public comment may be provided if permitted by the chair of the Commission. However, please note that if this action is placed on the Commission's agenda, it is an agenda item, not a disciplinary hearing.

At the expiration of your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have engaged in the construction trade without a license, in violation of Utah Code Annotated Subsection 58-55-501(1).

The maximum Administrative Sanction in this case is a fine in the amount of \$2,000 per day of unlicensed practice and a Cease and Desist Order from practicing in the construction trade without a license.

Please conduct yourself accordingly.

Dated this 26 day of February, 2016.

W. Ray Walker
W. RAY WALKER
Regulatory and Compliance
Officer

